

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Civil Docket No.: <u>1:16-cv-1044 JDB/egb</u>
)	(Reference Case No.: <u>1:06-CR-10034-01-T</u>)
VIKI BUTLER,)	
Defendant.)	

APPLICATION FOR WRIT OF EXECUTION

The United States of America, plaintiff, makes application pursuant to the Federal Debt Collection Procedures Act of 1990, 28 U.S.C. § 3203(c)(1) to the Clerk of the United States District Court to issue a Writ of Execution stating as follows:

1. The Defendant, Viki Butler, whose last known address is 15 Horn Road, Wildersville, TN 38388-8337 is indebted to the United States as the result of a judgment in the amount of \$163,100.00 plus costs and interest, if any, filed in favor of the Plaintiff entered on August 22, 2007 in the Western District of Tennessee as Case Number 1:06CR10034-01. The balance due is \$206,142.63, plus costs and interest, if any, as of March 4, 2016.

2. The following property of which the debtor has possession, custody or control and in which the debtor has substantial non-exempt interest which may be levied upon for payment of the above-judgment:

Employee Stock Ownership Plan (ESOP) known as the AHC Employee Stock Ownership Plan in the name of Viki Butler xxx-xx-2908, c/o Gale Alexander, Senior Director of Benefits and Compensation, Tennessee Health Management, Inc., 1971 Tennessee Avenue North, P.O. Box 10, Parsons, Tennessee 38363.

Plaintiff desires to levy and sell said property at this time to satisfy the above-referenced judgment and hereby requests a Court order to permit same in accordance with the federal law.

DATED: March 4, 2016

Respectfully,

EDWARD L. STANTON III
UNITED STATES ATTORNEY

By: s/Barbara M. Zoccola
Barbara M. Zoccola (BPR # 13020)
Assistant U.S. Attorney
167 N. Main Street, 8th Floor
Memphis, TN 38103
(901) 544-4231 office
(901) 544-4230 fax

APPLICATION GRANTED:

DATED: 3/7/16

THOMAS GOULD
UNITED STATES DISTRICT CLERK

s/Cassandra Ikerd
Deputy Clerk



**IN THE UNITED STATES DISTRICT COURT
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WRIT OF EXECUTION

TO THE UNITED STATES MARSHAL, HIS DEPUTIES AND AGENTS:

On, August 22, 2007, a judgment was entered in the United States District Court for the Western District of Tennessee, in favor of the United States of America, plaintiff, and against the defendant, Viki Butler, in the sum of \$163,100.00 plus costs and interest, if any.

Since entry of judgment, penalties and interest may accrue according to law if payment in full is not made. Viki Butler is indebted to the United States in the amount of \$163,100.00 plus costs and interest, if any, as a result of a judgment filed in favor of the Plaintiff entered on August 22, 2007, in the Western District of Tennessee. The balance due as of March 4, 2016, is \$206,142.63 plus costs and interest, if any.

NOW, THEREFORE, YOU ARE HEREBY COMMANDED to satisfy the judgment by levying on and selling all property in which defendant has a substantial nonexempt interest and by executing upon the property described below:

Employee Stock Ownership Plan (ESOP) known as the AHC Employee Stock Ownership Plan in the name of Viki Butler xxx-xx-2908, c/o Gale Alexander, Senior Director of Benefits and Compensation, Tennessee Health Management, Inc., 1971 Tennessee Avenue North, P.O. Box 10, Parsons, Tennessee 38363.

YOU ARE FURTHER COMMANDED to collect interest thereon from the date hereof with your costs and expenses and make return of this writ within ninety (90) days after the date of issuance if levy is not made, or, within ten (10) days after the date of sale of property on which levy is made.

YOU ARE FURTHER COMMANDED to enter onto the premises where the above-described property is located, and into any building on such property for the purpose of securing said described property or for any other purpose necessary to conduct the Court ordered levy in this action

YOU ARE FURTHER COMMANDED that the levy and sale shall not exceed property reasonably equivalent in value to the aggregate amount of the judgment, penalties and interest.

WITNESS Thomas Gould, the Clerk of the United States District Court for the Western District of Tennessee, attests by hand and seal of said Court this 7th day of March, 2016.

THOMAS GOULD, CLERK
United States District Court
For the Western District of Tennessee

By: _____

s/ Cassandra Ikerd
Deputy Clerk



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CLERK'S NOTICE

You are hereby notified that execution is being taken by the United States of America which has a judgment in Case No. 1:06CR10034-01 in the United States District Court for the Western District of Tennessee. Viki Butler is indebted to the United States in the amount of \$163,100.00 plus costs and interest, if any, as a result of a judgment filed in favor of the Plaintiff entered on August 22, 2007 in the Western District of Tennessee. The balance due as of March 4, 2016, is \$206,142.63 plus costs and interest, if any.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. Attached is a summary of the major exemptions which apply under federal law.

You have a right to ask the Court to apply any exemption to which you feel you are entitled or if you question this property execution.

You have a right to ask the court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the above exemptions. If you want a hearing, you must notify the court within twenty (20) days after receipt of the notice. Your request must be in writing.

If you wish, you may use this notice to request the hearing by checking the space below.

You must either mail it or deliver it in person to the Clerk of the United States District Court at U.S. Courthouse, 167 N. Main, Suite 242, Memphis, TN 38103. You must also send a copy of your request to the United States Attorney's Office, Financial Litigation Unit, 167 N. Main Street, Suite 800, Memphis, TN 38103 notifying the Government that you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think the Government is not entitled to the funds garnished or why you think you do not owe the money to the Government.

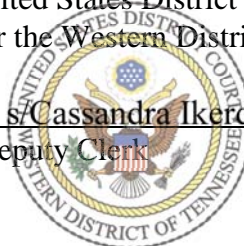
If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at U.S. Courthouse, 167 N. Main, Suite 242, Memphis, TN 38103. You must also send a copy of your request to the Government at the United States Attorney's Office, Financial Litigation Unit, 167 N. Main Street, Suite 800, Memphis, TN 38103.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

Date: 3/7/16

THOMAS GOULD, CLERK
United States District Court
For the Western District of Tennessee

By: s/Cassandra Ikerd
Deputy Clerk



_____ I request a hearing within 5 days with respect to Exemption No. _____.

Date

Defendant/Debtor

CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$9,080 in value.
- ☐ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$4,540 in value.
- ☐ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☐ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
- ☐ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- ☐ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

- _____ 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
- _____ 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III,IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
- _____ 10. Assistance under Job Training Partnership Act.
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C.1501 et seq.) from funds appropriated pursuant to such Act.
- _____

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

_____ I hereby request a court hearing to decide the validity of my claims pursuant to the above-checked claim. Notice of the hearing should be given to me by mail at:

_____ Address _____ City/State _____ Zip Code

or telephonically at _____
Area Code _____ Phone _____

Debtor's printed or typed name Signature of debtor Date

NOTICE TO DEFENDANT DEBTOR ON HOW TO CLAIM EXEMPTIONS

The attached post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempt. This Notice lists the exemptions under federal law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you must:

- (i) Fill out the claim for exemption form, and;
- (ii) Deliver or mail the form to the clerk's office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

On the day of the hearing, you should come to court ready to explain why your property is exempt, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

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CERTIFICATE OF SERVICE OF DOCUMENTS

The United States of America, a judgment creditor herein, certifies that the following documents have been personally served on Viki Butler, 15 Horn Road, Wildersville, TN 38388-8337 by the United States Marshal:

1. Copy of Writ of Execution;
2. Copy of Clerk's Notice;
3. Notice to Defendant on How to Claim Exemptions; and
4. Claim for Exemption form.

The United States of America further certifies that the following documents have been served on the Garnishee, Gale Alexander, Senior Director of Benefits and Compensation, Tennessee Health Management, Inc., 1971 Tennessee Avenue North, Parsons, Tennessee 38363 by the United States Marshal:

1. Copy of Writ of Execution;
2. Copy of Clerk's Notice; and
3. Claim for Exemption form.

DATE: March 4, 2016

Respectfully,

EDWARD L. STANTON III
UNITED STATES ATTORNEY

By: s/Barbara M. Zoccola
Barbara M. Zoccola (BPR # 13020)
Assistant U.S. Attorney
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